

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Natasha Athens d/b/a
Favorite Things

v.

Case No. 21-cv-748-SM

Bank of America and
Megan Scholz

ORDER

Pro se plaintiff Natasha Athens, d/b/a Favorite Things, proceeding in forma pauperis, has sued Bank of America ("BOA") and BOA Vice President Megan Scholz. Ms. Athens contends that the defendants improperly refused to forgive a loan she obtained pursuant to the COVID-19 pandemic-related Paycheck Protection Program. On October 4, 2021, the court issued an Order ("October 4 Order") (Doc. No. 14) directing the U.S. Marshals Service ("USMS") to serve the defendants on Ms. Athens's behalf, pursuant to 28 U.S.C. § 1915(d).

Federal Rule of Civil Procedure 4(m) provides, in pertinent part:

If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

The USMS attempted, unsuccessfully, to serve the defendants on October 6, 2021, using the address Ms. Athens provided in the summonses she filed in this case. The court's copy of the USMS process returns, see Doc. No. 15, indicates that the defendants could not be served at the address given.

To give Ms. Athens an opportunity to provide this court with correct contact information for service of the defendant, the clerk's office is directed to mail two blank summonses to the plaintiff, bearing the case caption. Ms. Athens is directed to complete those summonses with updated contact information for the defendants, and to file them in this case within fourteen days of the date of this Order. The clerk's office will issue the new summonses and provide copies to the USMS to serve the defendants, along with a copy of this Order, the Complaint (Doc. No. 1), and the October 4 Order (Doc. No. 14).

Defendant is instructed to answer or otherwise plead, in response to the claims asserted in the Complaint (Doc. No. 1) as identified in the October 4 Order, within twenty-one days of service. See Fed. R. Civ. P. 12(a)(1)(A).

SO ORDERED.



Andrea K. Johnstone
United States Magistrate Judge

October 13, 2021

cc: Natasha Athens, pro se